

REMARKS

The Office Action mailed May 20, 2003 has been received and the Examiner's comments carefully reviewed. Claims 22-34, 40-45 and 54 have been allowed. Applicants thank the Examiner for this notification. Claims 35, 46, 49, 50, and 55 have been amended. Claims 56-58 have been added. No new subject matter has been added. Claims 22-46 and 48-58 are currently pending. Applicants respectfully submit that the pending claims are in condition for allowance.

Rejections Under 35 U.S.C. §112

The Examiner rejected claims 35-39, 46, 48-53 and 55 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particular point out and distinctly claim the subject matter which the applicant regards as the invention. Applicants respectfully traverse this rejection, however, have amended claims 35, 46, 49, 50, and 55 to advance this application to allowance.

In particular, independent claims 35, 46, and 55 have been amended to recite that the respective method includes adhering or applying a support device to an exterior region of a horse's nose. This amendment is clearly supported through out the specification and in the drawings (e.g. FIGS. 8 and 9). In light of the present amendments, Applicants respectfully submit that claims 35, 46, and 55, and the respective dependent claims, are in condition for allowance.

New claims 56-58

New claims 56-58 have been added and recite that the exterior region includes skin overlying the nasal passages of the horse's nose.

The Examiner states that the original specification does not provide support for the support device being applied to or adhered to "skin" of a horse or animal; and that it would seem that the device would not actually contact the skin, but would rather contact or adhere to hairs covering the animal's nose.

Applicants respectfully submit that the specification does support that the device is used on the skin overlying the nasal passages of a horse. Specifically, support is found, for example on:

- page 2, lines 5-6: "The wall of the nose consists of skin externally and a middle supporting layer of bone caudally and cartilage rostrally."
- page 9, lines 11-18: "The lateral wall of the vestibule includes the unsupported soft tissue Herein, "soft tissue" has its general meaning including skin, muscle, fat, connective tissue or associated integumentary structures."
- page 10, lines 1-3: "A suitable support device . . . preferably causes minimal irritation to the skin or other anatomic structures of the animal when in use or after removal."

Because the specification does support that the device is used on skin overlying the nasal passages of a horse, Applicants respectfully submit that claims 56-58 are patentable.

Allowable Subject Matter

The Examiner indicated that claims 22-34, 40-45 and 54 are allowed. Applicants thank the Examiner for this notification.

SUMMARY

It is respectfully submitted that each of the presently pending claims is in condition for allowance and notification to that effect is requested. The Examiner is invited to contact Applicants' representative at the below-listed telephone number if it is believed that prosecution of this application may be assisted thereby.

Although certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentably distinct. Applicants reserve the right to raise these arguments in the future.



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KAF:cjm

Respectfully submitted,

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